

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1-6 and 8-9 are now present in this application. Claims 1, 8 and 9 are independent.

Amendments have been made to the Abstract of the Disclosure, claims 7 and 10-11 have been canceled, and claims 1, 4, 5, 6, 8 and 9 have been amended. No new matter is involved.

Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Objection to the Abstract of the Disclosure

The Examiner has objected to the Abstract of the Disclosure because of the use of legal phraseology.

In order to overcome this objection, Applicants have amended the Abstract of the Disclosure to delete the legal phraseology. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

Claim Objections

The Examiner has objected to claim 1 because of the inclusion of a reference numeral. In order to overcome this objection, Applicants have amended claim 1 to remove the reference numeral.

Reconsideration and withdrawal of this objection are respectfully requested.

Rejection Under 35 U.S.C. § 112, 2nd Paragraph

Regarding the rejection of claims 4-11 under 35 U.S.C. § 112, 2nd paragraph, the appropriate claims have been amended to address the comments noted in the Office Action. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §§ 102 and 103

Claims 1-7 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 3,703,091 to Steele. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

A prior art reference anticipates the subject matter of a claim when that reference discloses every feature of the claimed invention, either explicitly or inherently. In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997) and Hazani v. Int'l Trade Comm'n, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed Cir. 1997). While, of course, it is possible that it is inherent in the operation of the prior art device that a particular element operates as theorized by the

Examiner, inherency may not be established by probabilities or possibilities. What is inherent, must necessarily be disclosed. In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981) and In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

During patent examination the PTO bears the initial burden of presenting a *prima facie* case of unpatentability. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444(Fed. Cir. 1992); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788(Fed. Cir. 1984).

If the PTO fails to meet this burden, then the applicant is entitled to the patent. However, when a *prima facie* case is made, the burden shifts to the applicant to come forward with evidence and/or argument supporting patentability. Patentability vel non is then determined on the entirety of the record, by a preponderance of evidence and weight of argument.

Moreover, as stated in MPEP §707.07(d), where a claim is refused for any reason relating to the merits thereof it should be "rejected" and the ground of rejection fully and clearly stated.

Additionally, findings of fact and conclusions of law by the USPTO must be made in accordance with the Administrative Procedure Act, 5 U.S.C. §706(A), (E) (1994). Zurko v. Dickinson, 527 U.S. 150, 158, 119 S.Ct. 1816, 1821, 50 USPQ2d 1930, 1934 (1999).

Steele does not anticipate claims 1-6 because Steele does not disclose the combination of features positively recited in claims 1-6. For example, Steele does not disclose (1) a tub provided in the cabinet with a front side and a rear side spaced therefrom to hold water and detergent therein; (2) a front spring connecting member located at an upper front end of the tub; (3) a rear spring connecting member spaced from the front spring connector and located at an upper rear end of the tub; and (4) an elastic member over the tub to attenuate a front-to-rear vibration of the tub, wherein the elastic member includes a front spring having one end connected to the front spring connecting

member and extending in an upper front direction and the other end connected to a lower front side of the top plate; and a rear spring having one end connected to the rear spring connecting member and extending in an upper rear direction and the other end connected to a lower rear side of the top plate, as recited in claim 1.

Steele differs significantly from the claimed invention in that, for example, Steele discloses a single bracket 141 located midway from the front and back of the tub 11 to anchor springs 142. Accordingly, claims 1-6 are not anticipated nor obvious over Steele.

Reconsideration and withdrawal of this rejection of claims 1-7 and 11 are respectfully requested.

Claims 1, 4-6, 10 and 11 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent 6,826,932 to Sonoda et al. ("Sonoda"). This rejection is respectfully traversed.

Initially, Applicants note that this rejection is moot with respect to claims 10 and 11, which have been canceled.

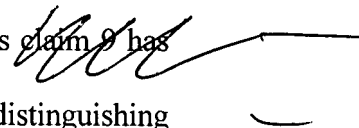
Applicants respectfully submit that Sonoda also does not anticipate claims 1 and 4-6. Sonoda does not anticipate claims 1-6 because Sonoda does not disclose the combination of features positively recited in claims 1-6. For example, Sonoda does not disclose (1) a tub provided in the cabinet with a front side and a rear side spaced therefrom to hold water and detergent therein; (2) a front spring connecting member located at an upper front end of the tub; (3) a rear spring connecting member spaced from the front spring connector and located at an upper rear end of the tub; and (4) an elastic member over the tub to attenuate a front-to-rear vibration of the tub, wherein the elastic member includes a front spring having one end connected to the front spring connecting

member and extending in an upper front direction and the other end connected to a lower front side of the top plate; and a rear spring having one end connected to the rear spring connecting member and extending in an upper rear direction and the other end connected to a lower rear side of the top plate, as recited in claim 1.

Sonoda's springs 16, for example, do not comprise a front spring having one end connected to the front spring connecting member and extending in an upper front direction and the other end connected to a lower front side of the top plate; and a rear spring having one end connected to the rear spring connecting member and extending in an upper rear direction and the other end connected to a lower rear side of the top plate, as recited in claim 1.

Sonoda's springs are shown as having a horizontal axis and are connected to the front and rear side walls of the washing machine, instead of as claimed. Accordingly, Sonoda does not anticipate claims 1-6.

Reconsideration and withdrawal of this rejection of claims 1, 4-6 and 10-11 are respectfully requested.

Further, it is respectfully submitted the rejections of claims 2 and 3 under 35 U.S.C. Section 103(a) as unpatentable over Sonoda in view of Steele, and claims 7-9 under 35 U.S.C. § 103 (a) as unpatentable over Sonoda in view of Stelwagen or Steele has also been overcome as ~~claim 9 has been canceled~~  claims 8 and 9 have been rewritten in independent form (comments distinguishing independent claims 8 and 9 are provided below) and Stelwagen also does not teach or suggest the features recited in independent claim 1 (the subject matter of which has been added to claim 9 to place claim 9 in independent form).

Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Steele in view of Sonoda. This rejection is respectfully traversed.

Complete discussions of the Examiner's rejection is set forth in the Office Action, and are not being repeated here.

This rejection is moot with respect to claim 10, which has been canceled.

Moreover, claim 8 has been amended to positively recite a combination of features that is not even addressed in this rejection, i.e., a combination of features neither disclosed nor suggested by Steele in view of Sonoda. In this regard, applicants note that Steele, the base reference, does not disclose a number of positively recited features in amended claim 8 for the reasons stated above with respect why similar claim 1 is not anticipated by Steele. For example, Steele does not disclose (1) a tub provided in the cabinet with a front side and a rear side spaced therefrom to hold water and detergent therein; (2) a front spring connecting member located at an upper front end of the tub.

In addition, dependent claim 8 has been rewritten in independent form. Independent claim 8 is allowable for similar reasons as discussed above. That is, neither Steele nor Sonoda teach or suggest the elastic member including a front spring having one end connected to the front spring connecting member and extending in an upper front direction and the other end connected to a lower front side of the top plate, and a rear spring having one end connecting to the rear spring connecting member and the other end connected to the upper side of the rear plate. Further, Stelwagen (applied above) also does not teach or suggest these features.

Claim 9 has also been re-written in independent form and recites a combination of features neither disclosed nor suggested by the applied art. For example, neither Steele nor Sonoda disclose or suggest the front and rear spring features recited in claim 9.

Accordingly, it is respectfully submitted that independent claims 8 and 9, as amended, are also allowable.

Additional Cited References

Because the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46, 472, at (703) 205-8000, in the Washington, D.C. area.

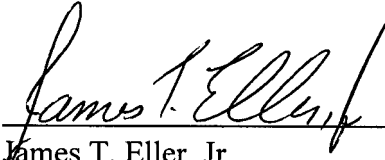
Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Date: May 3, 2007

Respectfully submitted,

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Attachment: Abstract of the Disclosure